

Remarks

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and following remarks. Claims 27 and 29-46 are pending in the application. Claims 27, 35, and 41 are independent. Claims 27, 29, 30, 32-35, and 41 have been amended. Claims 27 and 29-46 have been rejected. These rejections are respectfully traversed.

Patentability of Claims 27 and 35 under 35 USC § 112

Claims 27 and 35 are rejected under 35 U.S.C. § 112, second paragraph. These rejections are respectfully traversed. The applicants do not reject the Examiner's interpretation of the phrase "at least partially simultaneously" as meaning two actions overlap in their occurrences. However, the applicants respectfully offer a clarified interpretation of the phrase "at least partially simultaneously" as meaning more than one action (e.g., two actions) that overlap in their occurrences.

Patentability of Claims 27, 29-33, 35, and 38-40 over Chapel and Kobel under 35 U.S.C. § 103

Claims 27, 29-33, 35, and 38-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,628,009 to Chapel (hereinafter "Chapel") in view of European Patent No. EP0324376 to Kobel et al. (hereinafter "Kobel"). These rejections are respectfully traversed.

Claim 27

Independent claim 27 recites in part: "with at least one of the plurality of separate power information visual display sections disposed in the power distribution apparatus, reporting at the power distribution apparatus power information regarding the first power phase distributed by the at least a first of the plurality of polyphase power outputs" and "with at least a second of the plurality of separate power information visual display sections disposed in the power distribution apparatus, at least partially simultaneously reporting at the power distribution apparatus power information regarding the second power phase distributed by the at least a second of the plurality of polyphase power outputs" (emphasis added).

The applicants respectfully submit that Chapel does not teach or suggest any type of power information visual display sections disposed in a power distribution apparatus to report at the power distribution apparatus power information regarding at least two power phases, let alone the type claimed or within the environment of the power information visual display sections claimed, as noted in the Office Action at Page 3.

The applicants respectfully submit that Kobel does not cure the deficiencies of Chapel. Although the Office Action relies upon Kobel for a three-phase measuring device, neither Kobel nor Chapel disclose separate power information visual display sections as claimed: [i] “disposed in the power distribution apparatus” and [ii] “reporting at the power distribution apparatus power information regarding the first power phase” and “at least partially simultaneously reporting at the power distribution apparatus power information regarding the second power phase.” The Office Action does not assert otherwise. Thus, the asserted combination of Chapel and Kobel, even if the combination were proper, would not yield the claimed subject matter. The asserted combination therefore could not render the claimed subject matter obvious as a matter of law under Section 103.

The claimed subject matter is also allowable because the references fail to teach or suggest the advantages that flow from the claimed invention. In determining the differences between the prior art and the claims, the question under section 103 is not whether the differences *themselves* would have been obvious, but whether the claimed “*subject matter as a whole*” would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Advantages of claimed subject matter are a part of the subject matter as a whole under section 103. “The invention as a whole embraces the structure, its properties [advantages], and the problem it solves [advantages it provides].” *In re Wright*, 84 F.2d 1216 (Fed. Cir. 1988). Advantages need not be included in the specification. *In re Chu*, 66 F.3d 292 (Fed Cir 1995). “In delineating the invention as a whole, we look not only to the subject matter which is literally recited in the claim in question . . . but also to those properties of the subject matter which are inherent in the subject matter and are disclosed in the specification.” *In re Antoine*, 559 F.2d 618, 691 (CCPA 1977).

Thus, “[t]he relevance of such evidence [i.e., of advantages] is direct [under Section 103] in the sense that the new function [i.e., provided by an advantage] is a part of the inventive

concept, the ‘subject as a whole,’ which must be obvious under Section 103.” Chisum, *Intellectual Property, Copyright, and Trademark*, 7-103, 104 (1980) (cited in Chisum’s treatise on Patents at Section 5.03[5]). Advantages are also inferential evidence of non-obviousness as part of the differences between the claimed invention and the prior art to be considered under the analysis articulated in *Graham v. John Deere Co. In re Dillon*, 991 F.2d 688 (Fed. Cir. 1990) (en banc), cert. denied 500 U.S. 904 (1991).

When applicable, the applicants’ discovery of a problem to be solved also is part of the subject matter as a whole and differences between the claimed subject matter and prior art. *Eibel Process Co. v. Minnesota & Ontario Paper Co.*, 261 U.S. 45, 67-78 (1923). “[A] patentable invention may lie in the discovery of a source of a problem even though the remedy may be obvious once the source of a problem is identified. This is *part* of the ‘subject matter as a whole’ which should always be considered in determining the obviousness of an invention under 35 U.S.C. Section 103. . . .” *In re Spinnoble*, 405 F.2d 578, 585-86 (CCPA 1969).

One exemplary advantage of the claimed subject matter is the ability to monitor “at the power distribution apparatus,” through the claimed “power information visual display sections” disposed in the “power distribution apparatus,” “power information regarding the first power phase” and “power information regarding the second power phase.” Claim 27. Previously, similar systems had only “a single current display visible to an operator along the face of the plugstrip in which the outputs are also mounted.” Specification at para. [0012]. As the Specification further states, at para. [0013]: “another problem with this type of prior art system is that it requires the operator to take the time and effort to stop whatever the operator may be doing, turn attention to the plugstrip, and press the display button on the plugstrip to cycle through and observe the current indicators for the various phases.”

The applicants submit that they were the first to discover the underlying problem created by the pre-existing, long-standing need for an operator to have to deal with a single current display along the face of a plugstrip and the time and effort needed to press a display button to see information for each phase, such information only being cycled through and never displayed simultaneously. Thus, the applicants then developed the claimed subject matter to provide novel advantages by use of the claimed subject matter (i) to at least partially simultaneously monitor information related to more than one power phase by looking only at the power distribution

apparatus and (ii) without need for additional equipment of the prior art systems in the claimed environment.

The Office Action does not cite any of these factors – the applicants’ discovery of the problem to be solved or the resulting advantages – as part of the claimed subject matter as a whole under Section 103. On the contrary, the Office Action acknowledges undefined advantages of the claimed subject matter but does not acknowledge the source of the advantages being the applicants’ specification, not the cited references (*see* Office Action, page 3). The Office Action thus does not establish *prima facie* case of obviousness, as it did not consider the applicants’ discovery and the advantages as part of the claimed subject matter as a whole. Moreover, as discussed above, since these aspects of the claimed subject matter as a whole are not taught or suggested by the asserted references, the claimed subject matter as a whole is allowable over the references as a matter of law.

In addition, the applicants note that Kobel was first published on July 19, 1989 – more than a decade before the applicants’ priority date of October 30, 2003. The applicants submit that such a sizeable timeframe, particularly given the rapid pace of technological development in the past twenty years, provides yet further evidence of nonobviousness of the applicants’ claimed invention to those skilled in the art. Had it been so obvious to somehow combine the cited references, including by making the requisite substantial modifications in them, to yield the claimed subject matter, then why is it that nobody has done so in the more than fourteen years since Kobel has been publicly available? The applicants thus respectfully submit that the Office Action’s asserted combination would not only yield less than the claimed subject matter as a whole but also is the result of the improper application of hindsight in assessing that subject matter. *Ecolochem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 1372, 56 USPQ.2d 1065, 1073 (Fed. Cir. 2000). Moreover, was such an analysis proper, the applicants submit that every advantageous invention would be unpatentable.

In sum, claim 27 is allowable as a matter of law because of the lack of *prima facie* case of obviousness. Even assuming a *prima facie* case, the applicants have still rebutted the conclusion of obviousness based on the asserted combination’s inability to yield the claimed subject matter, the applicants’ discovery of the problem to be solved, and the absence of any teaching or suggestion of the advantages of the claimed subject matter. Accordingly, the applicants

respectfully submit that the 35 U.S.C. § 103(a) rejection should be withdrawn from independent claim 27 and such action is respectfully requested.

Claim 29

Dependent claim 29 depends directly or indirectly from parent claim 27 and is allowable for at least the reasons recited above in support of parent claim 27. It is also independently patentable.

For example, Chapel and Kobel, individually or in combination, do not teach or suggest any type of power information reporting at a power distribution apparatus, much less a method “wherein the reporting at the power distribution apparatus power information regarding the first power phase comprises determining current of the first power phase,” as recited by dependent claim 29. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 29 be withdrawn.

Claim 30

Dependent claim 30 depends directly or indirectly from parent claim 27 and is allowable for at least the reasons recited above in support of parent claim 27. It is also independently patentable.

For example, Chapel and Kobel, individually or in combination, do not teach or suggest any type of power information reporting at a power distribution apparatus, much less a method “wherein the reporting at the power distribution apparatus power information regarding the second power phase comprises determining current of the second power phase,” as recited by dependent claim 30. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 30 be withdrawn.

Claim 31

Dependent claim 31 depends directly or indirectly from parent claim 27 and is allowable for at least the reasons recited above in support of parent claim 27. It is also independently patentable.

For example, Chapel and Kobel, individually or in combination, do not teach or suggest a method of distributing polyphase alternating current power comprising “with at least a third of

the plurality of polyphase power outputs, distributing a third power phase received by the polyphase power input,” as recited by dependent claim 31. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 31 be withdrawn.

Claim 32

Dependent claim 32 depends directly or indirectly from parent claim 27 and is allowable for at least the reasons recited above in support of parent claim 27. It is also independently patentable.

For example, Chapel and Kobel, individually or in combination, do not teach or suggest any type of power information reporting at a power distribution apparatus, much less a method comprising “with at least a third of the plurality of power information visual display sections disposed in the power distribution apparatus, reporting at the power distribution apparatus power information regarding the third power phase distributed by the at least a third of the plurality of polyphase power outputs,” as recited by dependent claim 32. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 32 be withdrawn.

Claim 33

Dependent claim 33 depends directly or indirectly from parent claim 27 and is allowable for at least the reasons recited above in support of parent claim 27. It is also independently patentable.

For example, Chapel and Kobel, individually or in combination, do not teach or suggest any type of power information reporting at a power distribution apparatus, much less a method “wherein the reporting at the power distribution apparatus power information regarding the third power phase comprises determining current of the third power phase,” as recited by dependent claim 33. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 33 be withdrawn.

Claim 35

Independent claim 35 recites “with the plurality of separate visual displays, at least partially simultaneously reporting at the three-phase delta power distribution and monitoring

apparatus the analog signals each representing the magnitude of the phase power flowing through the corresponding power supply” (emphasis added).

The applicants respectfully submit that Chapel does not teach or suggest any type of separate visual displays disposed in a three-phase delta power distribution and monitoring apparatus to report information regarding different phase power at least partially simultaneously, let alone the type claimed or within the environment of the separate visual displays claimed, as noted in the Office Action at Page 3.

The applicants respectfully submit that Kobel does not cure the deficiencies of Chapel. Although the Office Action relies upon Kobel for a three-phase measuring device, neither Kobel nor Chapel disclose separate power information visual displays as claimed: [i] “disposed in the three-phase delta power distribution and monitoring apparatus” and [ii] “reporting at the three-phase delta power distribution and monitoring apparatus the analog signals each representing the magnitude of the phase power flowing through the corresponding power supply.” The Office Action does not assert otherwise. Thus, the asserted combination of Chapel and Kobel, even if the combination were proper, would not yield the claimed subject matter. The asserted combination therefore could not render the claimed subject matter obvious as a matter of law under Section 103.

The claimed subject matter is also allowable because the references fail to teach or suggest the advantages that flow from the claimed invention. As explained in greater detail above, if aspects of the subject matter as a whole, such as its advantages, are not taught or suggested by cited references, the combination does not yield the claimed subject as whole and therefore cannot render the subject matter as a whole obvious as a matter of law, as discussed above. As also explained in greater detail above, advantages are also inferential evidence of nonobviousness. One exemplary advantage of the claimed subject matter is the ability to monitor “at the three-phase delta power distribution and monitoring apparatus,” through the claimed “separate visual displays” disposed in the “three-phase delta power distribution and monitoring apparatus,” “analog signals each representing the magnitude of the phase power flowing through the corresponding power supply.” Claim 35. Previously, as discussed above, similar systems had only “a single current display visible to an operator along the face of the plugstrip in which the outputs are also mounted” that required “the operator to take the time and effort to stop whatever the operator may be doing, turn attention to the plugstrip, and press the

display button on the plugstrip to cycle through and observe the current indicators for the various phases.” Specification at para. [0012] and [0013].

As explained in greater detail above, discovery of a problem to be solved also is part of the subject matter as a whole and differences between the claimed subject matter and prior art, as discussed above. The applicants submit that they were the first to discover the underlying problem created by the pre-existing, long-standing need for an operator to have to deal with a single current display along the face of a plugstrip and the time and effort needed to press a display button to see information for each phase, such information only being cycled through and never displayed simultaneously. Thus, the applicants then developed the claimed subject matter to provide advantages by use of the claimed subject matter (i) to at least partially simultaneously monitor information related to more than one power phase by looking only at the power distribution housing and (ii) without need for additional equipment of the prior art systems in the claimed environment.

The Office Action does not cite any of these factors – the applicants’ discovery of the problem to be solved and the resulting advantages – as part of the claimed subject matter as a whole under Section 103. On the contrary, the Office Action acknowledges undefined advantages of the claimed subject matter but does not acknowledge the source of the advantages being the applicants’ specification, not the cited references (*see* Office Action, page 3). The Office Action thus does not establish a *prima facie* case of obviousness, as it does not consider the applicants’ discovery and the advantages as part of the claimed subject matter as a whole. Moreover, as discussed above, since these factors are not taught or suggested by the asserted references, the claimed subject matter as a whole is allowable over the references as a matter of law.

In addition, the applicants note that the sizeable period of time between the publication of Kobel and the applicants’ priority date provides yet further evidence of nonobviousness of the applicants’ claimed invention to those skilled in the art, as discussed above.

In sum, claim 35 is allowable as a matter of law because of the lack of *prima facie* case of obviousness. Even assuming a *prima facie* case, the applicants have still rebutted the conclusion of obviousness based on the asserted combination’s inability to yield the claimed subject matter, the applicants’ discovery of the problem to be solved, and the absence of any teaching or suggestion of the advantages of the claimed subject matter. Accordingly, the applicants

respectfully submit that the 35 U.S.C. § 103(a) rejection should be withdrawn from independent claim 35 and such action is respectfully requested.

Claim 38

Dependent claim 38 depends directly or indirectly from parent claim 35 and is allowable for at least the reasons recited above in support of parent claim 35. It is also independently patentable.

For example, Chapel and Kobel, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase delta power distribution and monitoring apparatus comprising “converting in each of the plurality of power supplies alternating current to direct current,” as recited by dependent claim 38. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 38 be withdrawn.

Claim 39

Dependent claim 39 depends directly or indirectly from parent claim 35 and is allowable for at least the reasons recited above in support of parent claim 35. It is also independently patentable.

For example, Chapel and Kobel, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase delta power distribution and monitoring apparatus “wherein the sensing comprises using a current-sensing transducer,” as recited by dependent claim 39. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 39 be withdrawn.

Claim 40

Dependent claim 40 depends directly or indirectly from parent claim 35 and is allowable for at least the reasons recited above in support of parent claim 35. It is also independently patentable.

For example, Chapel and Kobel, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase delta power distribution and monitoring apparatus comprising “converting an analog output from the current-sensing

transducer to a digital output,” as recited by dependent claim 40. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 40 be withdrawn.

Patentability of Claims 34, 36, and 37 over Chapel, Kobel, and Arato under 35 U.S.C. § 103

Claims 34, 36, and 37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent No. 6,628,009 to Chapel (“Chapel”), European Patent No. EP0324376 to Kobel et al. (hereinafter “Kobel”), and U.S. Patent 4,528,497 to Arato (“Arato”).

Claim 34

Dependent claim 34 depends directly or indirectly from parent claim 27 and is allowable for at least the reasons recited above in support of parent claim 27. It is also independently patentable.

For example, Chapel, Kobel, and Arato, individually or in combination, do not teach or suggest a method of distributing polyphase alternating current power comprising “with at least one of the plurality of power information visual display sections disposed in the power distribution apparatus, providing a sensory alarm, whereby a human in the vicinity of the power distribution apparatus may receive sensory stimulation from the sensory alarm,” as recited by dependent claim 34. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 34 be withdrawn.

Claim 36

Dependent claim 36 depends directly or indirectly from parent claim 35 and is allowable for at least the reasons recited above in support of parent claim 35. It is also independently patentable.

For example, Chapel, Kobel, and Arato, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase delta power distribution and monitoring apparatus comprising “generating an alarm when the analog signal meets at least one specified criteria,” as recited by dependent claim 36. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 36 be withdrawn.

Claim 37

Dependent claim 37 depends directly or indirectly from parent claim 35 and is allowable for at least the reasons recited above in support of parent claim 35. It is also independently patentable.

For example, Chapel, Kobel, and Arato, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase delta power distribution and monitoring apparatus “wherein generating an alarm comprises generating an audible alarm that can be heard by a user within the vicinity of the three-phase delta power distribution and monitoring apparatus,” as recited by dependent claim 37. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 37 be withdrawn.

Patentability of Claims 41 and 44-46 over Chapel and Gilker under 35 U.S.C. § 103

Claims 41 and 44-46 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,628,009 to Chapel (hereinafter “Chapel”) in view of U.S. Patent No. 4,581,705 to Gilker et al. (hereinafter “Gilker”). These rejections are respectfully traversed.

Claim 41

Independent claim 41 recites “with the plurality of separate digital visual display modules, at least partially simultaneously reporting at the three-phase wye power distribution and monitoring apparatus the neutral line analog signal and each of the input line analog signals.”

The applicants respectfully submit that Chapel does not teach or suggest any type of separate digital visual display modules disposed in a three-phase wye power distribution and monitoring apparatus, let alone the type claimed or within the environment of the separate digital visual display modules claimed, as noted in the Office Action at Page 4.

The applicants respectfully submit that Gilker does not cure the deficiencies of Chapel. Although the Office Action relies upon Gilker for a metering machine, neither Gilker nor Chapel disclose separate digital visual display modules as claimed: [i] “disposed in the three-phase wye power distribution and monitoring apparatus” and [ii] “at least partially simultaneously reporting at the three-phase wye power distribution and monitoring apparatus the neutral line analog signal and each of the input line analog signals.” The Office Action does not assert otherwise. Thus,

the asserted combination of Chapel and Gilker, even if the combination were proper, would not yield the claimed subject matter. The asserted combination therefore could not render the claimed subject matter obvious as a matter of law under Section 103.

The claimed subject matter is also allowable because the references fail to teach or suggest the advantages that flow from the claimed invention. As explained in greater detail above, if aspects of the subject matter as a whole, such as its advantages, are not taught or suggested by cited references, the combination does not yield the claimed subject as whole and therefore cannot render the subject matter as a whole obvious as a matter of law, as discussed above. As also explained in greater detail above, advantages are also inferential evidence of nonobviousness. One exemplary advantage of the claimed subject matter is the ability to monitor at the “three-phase wye power distribution and monitoring apparatus,” through the claimed “separate digital visual display modules” disposed in the “three-phase wye power distribution and monitoring apparatus,” “the neutral line analog signal and each of the input line analog signals.” Claim 41. Previously, as discussed above, similar systems had only “a single current display visible to an operator along the face of the plugstrip in which the outputs are also mounted” that required “the operator to take the time and effort to stop whatever the operator may be doing, turn attention to the plugstrip, and press the display button on the plugstrip to cycle through and observe the current indicators for the various phases.” Specification at para. [0012] and [0013].

As explained in greater detail above, discovery of a problem to be solved also is part of the subject matter as a whole and differences between the claimed subject matter and prior art, as discussed above. The applicants submit that they were the first to discover the underlying problem created by the pre-existing, long-standing need for an operator to have to deal with a single current display along the face of a plugstrip and the time and effort needed to press a display button to see information for each phase, such information only being cycled through and never displayed simultaneously. Thus, the applicants then developed the claimed subject matter to provide advantages by use of the claimed subject matter (i) to monitor information related to more than one power phase by looking only at the three-phase wye power distribution and monitoring apparatus and (ii) without need for additional equipment of the prior art systems in the claimed environment.

The Office Action does not cite any of these factors – the applicants’ discovery of the problem to be solved and the resulting advantages – as part of the claimed subject matter as a whole under Section 103. On the contrary, the Office Action acknowledges undefined advantages of the claimed subject matter but does not acknowledge the source of the advantages being the applicants’ specification, not the cited references (*see* Office Action, page 3). The Office Action thus does not establish a *prima facie* case of obviousness, as it does not consider the applicants’ discovery and the advantages as part of the claimed subject matter as a whole. Moreover, as discussed above, since these factors are not taught or suggested by the asserted references, the claimed subject matter as a whole is allowable over the references as a matter of law.

In addition, the applicants note that Gilker was first published no later than its issue date of April 8, 1986 – more than a decade before the applicants’ priority date of October 30, 2003. The applicants submit that such a sizeable timeframe, particularly given the rapid pace of technological development in the past twenty years, provides yet further evidence of nonobviousness of the applicants’ claimed invention to those skilled in the art. Had it been so obvious to somehow combine the cited references, including by making the requisite substantial modifications in them, to yield the claimed subject matter, then why is it that nobody has done so in the more than fourteen years since Gilker has been publicly available? The applicants thus respectfully submit that the Office Action’s asserted combination would not only yield less than the claimed subject matter as a whole but also is the result of the improper application of hindsight in assessing that subject matter. *Ecolochem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 1372, 56 USPQ.2d 1065, 1073 (Fed. Cir. 2000). Moreover, was such an analysis proper, the applicants submit that every advantageous invention would be unpatentable.

In sum, claim 41 is allowable as a matter of law because of the lack of *prima facie* case of obviousness. Even assuming a *prima facie* case, the applicants have still rebutted the conclusion of obviousness based on the asserted combination’s inability to yield the claimed subject matter, the applicants’ discovery of the problem to be solved, and the absence of any teaching or suggestion of the advantages of the claimed subject matter. Accordingly, the applicants respectfully submit that the 35 U.S.C. § 103(a) rejection should be withdrawn from independent claim 41 and such action is respectfully requested.

Claim 44

Dependent claim 44 depends directly or indirectly from parent claim 41 and is allowable for at least the reasons recited above in support of parent claim 41. It is also independently patentable.

For example, Chapel and Gilker, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase wye power distribution and monitoring apparatus comprising “converting in the neutral power supply alternating current to direct current,” as recited by dependent claim 44. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 44 be withdrawn.

Claim 45

Dependent claim 45 depends directly or indirectly from parent claim 41 and is allowable for at least the reasons recited above in support of parent claim 41. It is also independently patentable.

For example, Chapel and Gilker, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase wye power distribution and monitoring apparatus “wherein the sensing comprises using a current-sensing transducer,” as recited by dependent claim 45. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 45 be withdrawn.

Claim 46

Dependent claim 46 depends directly or indirectly from parent claim 35 and is allowable for at least the reasons recited above in support of parent claim 46. It is also independently patentable.

For example, Chapel and Gilker, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase wye power distribution and monitoring apparatus comprising “converting an analog output from the current-sensing transducer to a digital output,” as recited by dependent claim 46. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 46 be withdrawn.

Patentability of Claims 42 and 43 over Chapel, Gilker, and Arato under 35 U.S.C. § 103

Claims 34, 36, and 37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent No. 6,628,009 to Chapel (hereinafter “Chapel”), U.S. Patent No. 4,581,705 to Gilker et al. (hereinafter “Gilker”), and U.S. Patent 4,528,497 to Arato (hereinafter “Arato”).

Claim 42

Dependent claim 42 depends directly or indirectly from parent claim 41 and is allowable for at least the reasons recited above in support of parent claim 41. It is also independently patentable.

For example, Chapel, Gilker, and Arato, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase wye power distribution and monitoring apparatus comprising “generating an alarm when the analog signal meets at least one specified criteria,” as recited by dependent claim 42. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 42 be withdrawn.

Claim 43

Dependent claim 43 depends directly or indirectly from parent claim 41 and is allowable for at least the reasons recited above in support of parent claim 41. It is also independently patentable.

For example, Chapel, Gilker, and Arato, individually or in combination, do not teach or suggest a method of polyphase power distribution through a three-phase wye power distribution and monitoring apparatus “wherein generating an alarm comprises generating an audible alarm that can be heard by a user within the vicinity of the three-phase delta power distribution and monitoring apparatus,” as recited by dependent claim 43. Accordingly, the applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 43 be withdrawn.

Conclusion

The applicants respectfully submit that the claims in their present form should be allowed. Early favorable action is respectfully requested.

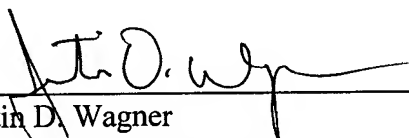
Should the Examiner have any remaining questions or concerns, the applicants request that the Examiner call the undersigned attorney to discuss them.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By


Justin D. Wagner
Registration No. 54,519